

## REMARKS

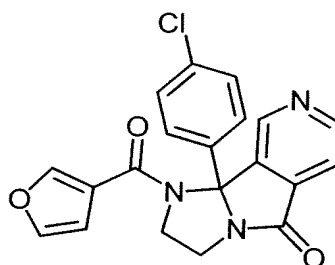
Claims 1, 2, 5 to 31, 34 to 39, 41 to 60, 62 to 66, 78, 81, and 86 are currently pending in the instant application. Claims 3, 4, 67 to 77, 79, 80, and 82 to 85 have been withdrawn. Claims 32, 33, 40, and 61 have been cancelled without prejudice and disclaims. Applicants reserve the right to pursue the subject matter of the cancelled claims in one or more divisional, continuation, and/or continuation in part applications.

Claims 1, 2, and 5 to 29 have been amended as methods claims. Additionally, claims 1, 2, 5 to 31, 34 to 37, 39, 41 to 61, 62 to 66, 78, and 81 have been amended for clarification and/or correction of typographical errors, without prejudice or disclaimer of any previously claimed subject matter. Claim 16 has also been amended to depend from claims 14 and 15. Support can be found, for example, in original claim 16 of the instant application. Furthermore, claim 38 has been amended to recite that “when A is pyridyl, X is O, R<sub>1</sub> is  $-(CH_2)_n$  aryl, n is 0, and R<sub>2</sub> is  $-CH_2R_3$ , then (i) R<sub>3</sub> is not methyl when R<sub>1</sub> is 4-chlorophenyl and z is 1, and (ii) R<sub>3</sub> is not ethyl when R<sub>1</sub> is phenyl and z is 2.” Support can be found, for example, on page 5, lines 12-20; page 9, line 14; and in Table 3 on pages 71 to 89 of the specification as filed originally. Claim 86 is a new claim. Support can be found, for example, on page 5 of the specification as filed originally.

Applicants submit that the pending claims are fully supported by the specification as originally filed and no new matter has been introduced.

In response to the Restriction Requirement, Applicants elect to prosecute on the merits the subject matter of Group II, claims 1, 2, 5 to 38, 41 to 60, 62 to 66, and 81, drawn to a compound defined by formula I, wherein A together with the atoms to which it is attached, represents a pyridyl, a composition comprising the same, and the method of using the same for treating viral diseases. Applicants understand from the Office Action that Group II encompasses claims 1, 2, 5 to 38, 41 to 60, 62 to 66, and 81 to the extent that they read on fused pyridine compounds, methods, and compositions thereof. Applicants believe that instantly amended claim 39 and new claim 86 are also belong to Group II. Applicants respectfully request that the claims of Group II be examined, along with claims 39 and 86. Applicants reserve the right to pursue non-elected subject matter in one or more divisional, continuation, and/or continuation-in-part applications.

In response to the request for an election of a species, Applicants elect compound **414**, as shown below. Claims 1, 2, 5 to 13, 15 to 17, 19 to 31, 34 to 39, 41 to 44, 46 to 48, 50 to 60, 62 to 66, 81, and 86 read on the elected species.



**414**

Applicants would like to direct the Examiner's attention to claim 78. From the Office Action, it appears that claim 78 is not included in any groups (Groups I to XI) as listed in the Office Action. Thus, Applicants have not made an election with regard to claim 78. Clarification of claim 78 from the Office would be greatly appreciated by Applicants.

**SUMMARY**

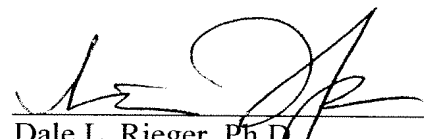
Should the Examiner believe that prosecution of this application might be expedited by further discussion of any remaining issue, the Examiner is cordially invited to contact the undersigned representative of Applicants, Dale L. Rieger, Ph.D., by phone at (858) 314-1200 or by email at [drieger@jonesday.com](mailto:drieger@jonesday.com).

The United States Patent and Trademark Office is hereby authorized to charge the fee for two-month extension of time under 37 C.F.R. § 1.136(a), which will be paid via EFS. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 50-3013 and please credit any excess fees to such deposit account.

Respectfully submitted,

Dated: March 9, 2010

By:

 signed for  
Dale L. Rieger, Ph.D.  
Registration No. 43,045 (57.083)